

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DARRYL HINES,	:	Case No. 1:06 CV 2233
Plaintiff,	:	
	:	JUDGE KATHLEEN O'MALLEY
v.	:	
SUBODH CHANDRA, et al.,	:	<u>MEMORANDUM & ORDER</u>
Defendants.	:	

This case arises on the Plaintiff's *Motion for Permission to Appeal In Forma Pauperis* ("IFP Motion") (Doc. 83) and *Motion for Recusal* (Doc. 90).

With respect to the Plaintiff's IFP Motion, on November 18, 2009 the Court granted the Plaintiff's request to file an affidavit in support of the motion under seal. The Plaintiff subsequently filed the affidavit. Accordingly, the IFP Motion is fully briefed¹ and ripe for adjudication. After considering the parties' submissions, the Court concludes that the Plaintiff's affidavit demonstrates financial hardship sufficient to support IFP status. Consequently, the IFP Motion (Doc. 83) is **GRANTED.**

¹ The Defendants filed a response in opposition to the IFP Motion (Doc. 87) and the Plaintiff filed a reply (Doc. 88). Furthermore, the parties jointly requested that the Court provide counsel for the Defendants with a copy of the sealed document the Plaintiff filed. The Court granted this request on December 9, 2009.

With respect to the Plaintiff's Motion for Recusal, upon review of the parties' submissions and in light of the applicable standard set forth in the Defendants' brief (Doc. 91), the Court finds that there are no grounds for recusal in this case. Accordingly, the Motion for Recusal (Doc. 90) is **DENIED**.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: January 6, 2010